

Remarks

The Office Action mailed January 18, 2007 has been carefully considered, and Applicants' counsel offers the following remarks. Favorable reconsideration of the present application is respectfully requested.

Claims 1, 4, 20, and 23 have been amended for clarification. No new matter has been added.

The first part of the Office Action is directed to the Information Disclosure Statements. A Sixth Supplemental Information Disclosure Statement is being concurrently filed to address the comments raised by the Examiner.

It is noted to the Examiner that previously presented claim 23 has not been considered in the Office Action.

Claims 1-6 and 20-22 are rejected under 35 U.S.C. §103(a) as obvious over Woodrum (US 5,997,690) in view of Akers (US 5,607,550).

M.P.E.P. 706.02(j) sets forth that to establish a *prima facie* case of obviousness, three basic criteria must be met by the Examiner:

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure.

The present claims are directed to a web comprising a wet-laid web of a particulate pre-superabsorbent polymer, neutralization agent, fiber and water wherein the ratio of pre-superabsorbent polymer to fiber from about 30:70 to about 40:60 and wherein the particulate pre-superabsorbent polymer is neutralized by the neutralization agent to form a superabsorbent polymer and fiber web wherein the particulate superabsorbent polymer have a particle size distribution from about 30micrometers to about 2000micrometers.

Woodrum discloses a web including from about 50% to about 80% superabsorbent polymer particles and about 20% to about 50% of fibers. Woodrum discloses a ratio of superabsorbent particles to fiber of 50:50 to 80:20, which does include the ratio of the present invention. Column 2 (lines 15-36) teaches that the ratio of the superabsorbent polymer particles to fiber can be manipulated within the range provided in Woodrum.

On the other hand Akers discloses a web including from about 1 to 50% of superabsorbent polymer **fibers** and 99-50% of less absorbent fibers. In addition, Akers discloses that one uses superabsorbent polymer fibers in the nonwoven fabric because the superabsorbent polymer fibers become part of the fibrous structure of the nonwoven fabric and contributes towards its cohesive strength whereas the presence of superabsorbent polymer particles reduces the strength of the nonwoven fabric.

The Examiner concludes that both references teach the same essential wet-laid slurry process and that a skilled artisan would have reason to employ the ratio of the secondary reference. This is not true. Woodrum teaches a wet-laid slurry made with superabsorbent polymer particles, whereas Akers uses superabsorbent polymer fibers and teaches away from using superabsorbent polymer particles. Hence, not only is there is no suggestion or motivation,

either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the Woodrum reference, or to combine the teachings of Woodrum and Akers references, Akers specifically teaches away from using superabsorbent particles. In view of this, the Woodrum and Akers references cannot be combined to show the present invention. In view of the foregoing remarks, the rejection of claims 1-6 and 20-22 under 35 U.S.C. §103(a) as obvious over Woodrum in view of Akers should be withdrawn.

The Applicants submit that this case is now in condition for allowance of claims 1-6 and 20-23, and such action is respectfully requested.

Respectfully submitted,

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